

PD011 12C
(7/03)

Report Date: September 22, 2011
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

SEP 22 2011

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Leticia N Lopez

Case Number: 2:04CR06023-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 6/1/2005

Original Offense: Bank Embezzlement, 18 U.S.C. § 656

Original Sentence: Prison - 30 Days; TSR - 36 Months
Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 8/09/2007

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 02/08/2012

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number **Nature of Noncompliance**

1

Mandatory Condition # 2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Leticia Lopez is considered in violation of her period of supervised release by committing the offense of driving under the influence on or prior to July 10, 2011.

According to the incident report provided by the Richland Police Department, on July 10, 2011, an officer observed the defendant driving with no lights at 2 a.m. The defendant was contacted and the officer immediately noticed an odor of alcohol. The defendant was asked to preform a field sobriety test, which she failed. The defendant was detained and taken to the Benton County Jail where a BAC was taken. The samples returned at levels of .237 and .238.

On September 14, 2011, the defendant was granted a deferred prosecution for 60 months. The defendant was ordered to pay a \$1,200 fine, comply with alcohol treatment, have no further criminal violations, and to not drive without a drivers license or insurance.

Prob12C

Re: Lopez, Leticia N

September 22, 2011

Page 2

- 2 **Special Condition # 17:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, up to Six (6) times per month, as directed by the supervising probation officer.

Supporting Evidence: Leticia Lopez is considered in violation of her period of supervised release by using alcohol on or prior to July 10, 2011.

As noted above the defendant was contacted by an officer with the Richland Police Department and found to be under the influence of alcohol. Her alcohol level was almost three times the legal limit.

- 3 **Special Condition # 18:** You shall contribute 10% of your income while on supervised release to any unpaid portion of the Special Assessment. The United States Probation Office may petition the Court on your behalf to modify this condition if it presents an undue financial hardship.

Supporting Evidence: Leticia Lopez is considered in violation of her period of supervised release by failing to make monthly payments towards her restitution as ordered by the Court.

On August 9, 2007, the defendant was ordered to serve 54 months of supervised release with the expectation that she would make monthly payments towards her restitution. Of the 54 possible payments the defendant made 19 payments. Two additional payments were applied after the defendant's tax returns were taken by the U.S. District Court Clerk's Office. There have only been two payments totaling \$75 in 2011.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

Prob12C

Re: Lopez, Leticia N

September 22, 2011

Page 3

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/22/2011

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

9/22/11

Date